

Entered - 09/14/00 - sb
CL00L0572 - DIANNE C. MITCHELL

CLAIM OF: **MICHAEL BILLINGS**,
through his attorney,
Kenneth S. Nugent
1355 Peachtree Street
Suite 1000
Atlanta, Georgia 30309

00- *R* -1607

For damages alleged to have been sustained as a result of a vehicular
accident on December 10, 1999 at 1234 Moreland Avenue, SE.

THIS ADVERSED REPORT IS APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0572

Date: September 21, 2000

Claimant /Victim MICHAEL BILLINGS
BY: (Atty) Kenneth S. Nugent
Address: 1355 Peachtree Street, Suite 1000, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 09/14/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)
Date of Occurrence 12/10/99 Place: 1234 Moreland Avenue, SE
Department Public Works Division: Waste Water Services
Employee involved Kevin Edwards Disciplinary Action:

NATURE OF CLAIM: The claimant, a City employee, alleges that while riding as a passenger in a City vehicle he was injured when the driver of a privately owned vehicle failed to yield right-of-way upon entering the roadway and collided with the City vehicle. The claimant's exclusive remedy with the City is through his Workers' Compensation benefits. The claimant's attorney has been advised of the above. Furthermore, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months X Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 09-21-00
Committee Action: Council Action